



COUNTY OF LOS ANGELES  
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March 29, 2005

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Agenda No. 12  
10/26/04

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012


**Re: CONDITIONAL USE PERMIT NUMBER 03-117-(5)  
FIFTH SUPERVISORIAL DISTRICT - THREE-VOTE MATTER**

Dear Supervisors:


Your Board previously conducted a hearing regarding the above-referenced permit which proposes a gas station and a market with the sale of beer and wine for off-site consumption in the Bouquet Canyon Zoned District. At the conclusion of the hearing, you indicated an intent to approve the permit with revised conditions and directed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.  
County Counsel

By   
RICHARD D. WEISS  
Assistant County Counsel  
Public Works Division

APPROVED AND RELEASED:

  
RAYMOND G. FORTNER, JR.  
County Counsel

RW/

Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
CONDITIONAL USE PERMIT NUMBER 03-117-(5)**

1. The applicant is requesting a conditional use permit to authorize establishment and operation of a 3,054 square foot market and gas station and the sale of a full line of alcoholic beverages for off-site consumption in the proposed market. The site is located at 16166 Spunky Canyon Road, Green Valley, in the Bouquet Canyon Zoned District.
2. Zoning on the site is C-2 (Neighborhood Business) and R-1-7,500 (Single Family Residence, 7,500 square foot minimum lot size). Pursuant to Section 22.28.130 of the Los Angeles County Code, a grocery store and automobile service station are permitted by right in the C-2 Zone, and, pursuant to Section 22.28.160 of the County Code, the sale of alcoholic beverages for on or off-site consumption is permitted in the C-2 Zone, provided a conditional use permit is obtained. Grocery stores, automobile service stations, and the sale of alcoholic beverages are not permitted uses in the R-1-7,500 Zone. Therefore, the applicant has filed a request for a zone change on the subject property to change the zoning from C-2 and R-1-7,500 to C-2-DP (Neighborhood Business, Development Program).
3. The surrounding properties are zoned as follows:

North:	C-3 (Unlimited Commercial), A-1-1 (Light Agricultural - one-acre minimum lot size)
South:	R-1-7500
East:	C-2 and R-1-7,500
West:	C-2 and A-1-1
4. The subject property is currently vacant. The 0.34 acre, irregularly-shaped property consists of three separate Assessor's parcels and is located in a developed rural community. The site contains no significant natural features or habitat.
5. Surrounding properties contain the following uses:

North:	single family residences, ranch
South:	single family residences, vacant land
East:	restaurant, single family residences, vacant land
West:	single family residences, vacant land, ranch

6. The parcel at the corner of San Francisquito Canyon Road and Spunky Canyon Road is designated Community Commercial in the Antelope Valley Areawide General Plan ("AVAGP"). The Community Commercial designation allows commercial uses serving adjoining residential neighborhoods including markets, drug stores, and small restaurants. The proposed market would be consistent with this designation. The two southerly parcels are designated Urban 2 in the AVAGP. This designation is a residential designation permitting a maximum of 6.6 units per acre. The proposed market would not be consistent with this designation. The applicant is proposing to change the existing residential zoning of the parcels designated for residential use in the AVAGP to commercial zoning without amending the residential land use designation of the AVAGP. The proposed project is in compliance with the guidelines established to allow unmapped neighborhood commercial use, as follows:
- A. The basic relationship between land use types depicted by the Land Use Policy Map will be maintained. The commercial area will remain limited to the corner of San Francisquito Canyon Road and Spunky Canyon Road, as depicted on the Land Use Policy Map;
  - B. No major, unanticipated impacts on existing or planned service systems will occur as a result of the proposed project;
  - C. The property is appropriate from a capability and suitability standpoint for the intended use;
  - D. No significant adverse environmental, social, or economic impacts are anticipated;
  - E. The proposed use is located at a major intersection and adjacent to an existing commercial use;
  - F. The proposed use is located in a designated commercial area and will not invade or disrupt the adjacent residential neighborhood. Existing land use and circulation patterns will not be affected;
  - G. Adequate public infrastructure is available to service the project. Private water and sewage disposal systems will be utilized and the Department of Health Services has conceptually approved these systems;
  - H. The 3,000 square-foot market can be found to be consistent with a local serving use and, with the potential closure of the existing market, is justified to meet the needs of the community. The five-acre limitation on unmapped community commercial uses will not be exceeded by this project;

- I. The height of the proposed market will not exceed the general profile established by existing uses, nor will it exceed that permitted in the neighboring residential development;
- J. The size of the proposed market is consistent with other commercial uses in the vicinity and, therefore, will be in keeping with the community;
- K. The 0.34-acre site is as compact as possible to accommodate the proposed use and the required parking, circulation areas, and landscaping;
- L. All outdoor lighting will be oriented away from adjacent residential areas and will be on motion detectors;
- M. Six-foot concrete walls on both the southerly and westerly property lines will appropriately screen the use from the adjacent residences;
- N. A landscaping plan will be required to ensure that the site is landscaped so as to cause it to blend into the surrounding area more easily;
- O. The elevation drawings submitted depict an architectural design that is consistent with typical rural architecture;
- P. All roof equipment will be screened from the view of adjacent residents;
- Q. Signs and graphic displays will be confined to the facade surface of the proposed market and will not project above the roof line nor disrupt the architectural design of the structure. One freestanding sign may be proposed and, if determined to be aesthetically and functionally appropriate, may be allowed. Off-site signs will not be permitted;
- R. The project will not adversely impact adjacent streets and highways. Access will be taken from two limited secondary highways rather than from local residential streets; and
- S. Access, egress, and on-site parking will be provided in a manner which maximizes safety and convenience, and minimizes adverse impacts on surrounding neighborhood and community land use patterns.

7. The project complies with the following AVAGP policies, which are applicable to the project:
- A. As required in the Rural Communities section of the AVAGP, the site is surrounded on three sides by existing development, which may constitute "infill" development. The project is generally consistent with the land use designations of the properties at the corner of San Francisquito Canyon Road and Spunky Canyon Road, and may be permitted in the Urban 2 designation as indicated in finding number 6, above;
  - B. Consistent with the general requirements for the Green Valley community on page 15 of the Plan, the proposed 3,000 square-foot market and four-pump gasoline station are consistent with local serving commercial use appropriate to a rural community;
  - C. Consistent with Policy 4 of the Plan, the proposed use is located within an established rural community and will be located in an area designated for higher intensity commercial uses in the AVAGP;
  - D. Consistent with Policy 6 of the AVAGP, the proposed project is located within an existing rural community;
  - E. Consistent with Policy 11 of the AVAGP, the design of the proposed building, as depicted on the elevation drawings, will promote and enhance the rural character of the Green Valley community;
  - F. Consistent with Policy 12 of the AVAGP, all costs related to establishment of the proposed use are being paid by the developer;
  - G. Consistent with Policies 22 and 23 of the AVAGP, permits will be required from the Department of Public Works to ensure that the underground gasoline tanks are properly controlled to avoid leakage. In addition, several conditions recommended by the Department of Health Services have been placed in the permit in order to reduce potential noise impacts to a less than significant level;
  - H. Consistent with Policy 26 of the AVAGP, the proposed project will increase the mix of land uses in the community, which is largely residential in nature. A small play area and outdoor seating will be provided as a community amenity;
  - I. Consistent with Policy 35 of the AVAGP, the proposed use will be located within a commercially-designated area and will not result in outward expansion; and

- J. Consistent with the Scenic Highways Element of the AVAGP, the design of the proposed building will be in keeping with the rural character of the community and the site will be landscaped with native plants to ensure continuity with plant species of the area. The height of the building will not impact off-site views from either roadway.
- 8. The site plan depicts the proposed 3,054 square-foot market located at the southwest corner of the property and one gasoline pump island with four separate pumping stations located northeast of the proposed market. The remainder of the site is depicted as driveways, parking and landscaping with the exception of an area directly east of the proposed market which is depicted as a children's play area and outdoor seating area. Underground gasoline tanks are depicted between the proposed market and the pump island. Floor plans depict the market containing meat and produce sales, walk-in freezers and coolers, three shelving gondolas, a café and soda island, a news stand, video rental, storage, meat department prep area, a cashier/office area, and a unisex restroom.
  - 9. The proposed use complies with all applicable development standards of the C-2 Zone, as provided in Section 22.28.170 of the County Code, as follows:
    - A. A total of 4,014 square feet of the 14,810 square-foot site will be covered by the proposed market building and the gasoline pumping islands and canopy, for a lot coverage of 27 percent, in compliance with the 90 percent lot coverage limitation in that section. Landscaped areas are depicted on the site plan; however, there is no indication as to the exact amount of landscaping provided. A landscaping plan will be required to ensure that the 10 percent minimum landscaping requirement is met.
    - B. Section 22.52.1100 of the County Code indicates that parking is required for commercial uses at a ratio of one space per 250 square feet of floor area; therefore, 12 spaces are required to accommodate the proposed 3,054 square-foot market. The site plan depicts 12 spaces in compliance with this requirement. One van-accessible handicapped space is required and one handicapped space is depicted on the plans. However, the access aisle for van-accessible spaces is required to be eight feet wide and the site plan depicts a five-foot access aisle provided. A minor site plan change will be required to address this issue.
    - C. The height of the building is proposed to be 18 feet which is in compliance with the 35-foot maximum height allowed.
    - D. Other than the parking area, no outdoor storage or display is proposed.

10. As required in Part 2 of Chapter 22.40 of the County Code, related to the DP zone, a development program will be required for this project and the applicable conditions listed in Section 22.40.070 have been included in the conditions of approval.
11. There is a need for additional commercial zoning in Green Valley to provide products and services to the community residents. The potential closure of the existing market has created a need for additional commercial zoning in the area. The subject property is appropriate for commercial zoning given its location at the corner of two major roadways and its proximity to existing commercial uses and to the property with a Community Commercial designation under the AVAGP.
12. There are no sensitive uses (schools, churches, or parks) within 600 feet of the subject property.
13. Adjacent residential uses to the south and west will be buffered from the site by concrete block walls proposed to be established on the southern and western property lines of the subject property.
14. With the conditions proposed, the sale of alcoholic beverages on the property will not adversely affect the economic welfare of the area.
15. The proposed appearance of the market structure is consistent with surrounding development.
16. Although there are no establishments selling alcoholic beverages within 500 feet of the subject property, the Department of Alcoholic Beverage Control has indicated that, with the approval of this license, an undue concentration of alcoholic beverage sales will exist in the census tract. The Board finds that the requested license is needed for the convenience and necessity of the public. However, in granting this proposal, the Board will limit alcoholic beverage sales to beer and wine.
17. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA") and the Environmental Document Reporting Procedures of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. The Board finds that the project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from State Department of Fish and Game fees pursuant to section 711.2 of the California Fish and Game Code.

18. Staff received a total of 387 public comments in relation to this request while it was pending before the Regional Planning Commission. A total of 383 of these comments were in support of the project and 4 of the comments were in opposition to the request. The concerns of those in opposition were related to environmental/health concerns with respect to gasoline sales, increased traffic, traffic safety, diversion of traffic onto local streets, hours of operation, increased crime, litter, future costs of clean-up of the site, the sale of alcoholic beverages on a major roadway, and drainage impacts. In addition, one of the comment letters was received from the owner of the property which the applicant is currently leasing for his market operation. The letter indicates that the property owner intends to continue operation of the existing market after the termination of the applicant's lease in December, and that she intends to apply to continue selling alcoholic beverages at that location.
19. No written or oral opposition to the proposal was received at the Board of Supervisors' October 26, 2004, public hearing.
20. The proposed use is compatible with adjacent commercial uses and will be appropriately buffered from adjacent residential uses.
21. The proposed use is consistent with the General Plan and zoning designations of the property.
22. Conditions of approval will ensure that the market and gas station will not pose adverse impacts to the surrounding community.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code or as otherwise required in order to integrate said uses with the uses in the surrounding area;
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;



- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius;
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. The requested use at the proposed location will not result in an undue concentration of similar premises;
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Adopts the Negative Declaration prepared for the project and certifies that it has been completed in compliance with CEQA and the State and County Guidelines related thereto; and
2. Approves Conditional Use Permit Number 03-117-(5), subject to the attached conditions.

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NUMBER 03-117-(5)**

1. This grant authorizes the use of the subject property for a market, gas station, and the sale beer and wine for off-site consumption, as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10 and 11.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009, or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within two years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee, at least six months before the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant will terminate on September 22, 2024. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the Permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$1,500.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for ten biennial inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection or the current recovery cost at the time of payment, if that amount is different.

11. Within five days of the approval date of this grant, the permittee shall remit a \$25.00 processing fee payable to the County of Los Angeles in connection with the filling and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code.
12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
15. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
18. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
19. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director ("Director") for review and approval three copies of a revised Exhibit "A," similar to that presented at the public hearing, that depicts all required project changes made before the Planning Commission, including

compliance with the specifications for the van-accessible handicapped parking space (nine-foot space with eight-foot access aisle). The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.

20. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into the Exhibit "A." The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. A minimum of ten percent of the property shall be landscaped and the landscape plan shall include a landscaping table indicating the amount of landscaping required and the amount provided. Incidental walkways or stairs may be established within the landscaped area. The landscaping shall consist of locally indigenous plants. The permittee shall not utilize any self-propagating invasive species in the landscaped areas. The permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary for the life of this grant. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation in all areas except where there is turf or other groundcover.
21. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of signage plans depicting the size and height of all existing and proposed signage, developed in accordance with Part 10 of Chapter 22.52 of the County Code. Roof signage shall be prohibited and freestanding signage shall only be permitted if determined to be aesthetically and functionally appropriate.
22. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval a development progress schedule, including all phases of development, and indicating that the improvements depicted in the revised Exhibit "A" will be made prior to occupancy of any buildings.
23. Operating hours of the market and gas station shall be limited to 6:00 a.m. to 10:00 p.m. Monday through Thursday, 6:00 a.m. to 11:00 p.m. Friday, and 7:00 a.m. to 11:00 p.m. Saturday and Sunday.
24. The permittee shall comply with the requirements of the drainage concept/SUSMP plan that was conceptually approved on June 9, 2004.
25. The permittee shall comply with the Los Angeles County Fire Department requirements set forth in the attached correspondence dated August 30, 2004, or as otherwise modified by said Department.

26. The permittee shall comply with the following requirements in order to ensure that the proposed project will not create a significant noise impact on surrounding property owners:
- a. Construction activities should occur only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday, in order to minimize construction and haul route activities that would create noise disturbances on surrounding properties;
  - b. All permanent noise-generating equipment such as compressors, electrical boxes, heating, and cooling systems shall have engineering controls (noise and vibration damper mountings, noise-reduction enclosures, and noise buffers) to reduce noise and vibration during operation;
  - c. A six-foot cement block wall shall be constructed along the south and west property lines where adjacent to residentially-zoned properties;
  - d. All fixed and mobile construction equipment shall be in proper operating condition and be fitted with standard silencing devices; engineering noise controls shall be implemented on fixed equipment; and
  - e. The permittee shall address any neighborhood questions, concerns or complaints regarding noise issues during construction or subsequent facility operation to the satisfaction of the Department of Health Services.
27. Prior to issuance of a building or grading permit, the permittee shall provide adequate storage and collection areas on the site for recyclable materials generated from construction and subsequent facility operation.
28. The permittee shall agree to divert a minimum of 50 percent of construction and demolition waste from direct disposal to solid waste facilities. After construction is completed, the applicant shall submit a report to the Los Angeles County Department of Public Works - Environmental Programs Division detailing the volume of waste that was generated, the volume and percentage of waste that was recycled, and the volume and percentage disposed of in landfills and/or transformation facilities.
29. Prior to issuance of grading or building permits, the permittee shall be required to obtain any required permits from the Los Angeles County Department of Public Works - Environmental Programs Division for the proposed underground fuel storage tanks.

30. The subject property shall be neatly maintained, and yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
31. No outdoor address or paging system shall be operated on the site.
32. The permittee shall maintain a current contact name, address, and phone number on file with the Department at all times.
33. All roof equipment should be screened from the view of adjacent residents.
34. Outdoor advertising signs shall be prohibited on the property. All existing outdoor advertising signs shall be removed within 30 days of the approval date of this grant.
35. No building or structure of any kind except a temporary structure used only in the developing of the property according to the program shall be built, erected, or moved onto any part of the property.
36. All improvements shall be completed prior to the occupancy of any structures.
37. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.
38. The permittee shall comply with the conditions listed in the attached letter from the Department of Public Works dated August 31, 2004.
39. The permittee shall comply with the conditions listed in the attached letter from the Department of Health Services to Mr. Yousry Ghoneim dated September 14, 2004.
40. The following conditions shall apply to the sale of alcoholic beverages on the site:
  - a. Only beer and wine may be sold;
  - b. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;
  - c. No advertisement of alcoholic beverages shall be displayed at motor fuel islands;
  - d. No sale of alcoholic beverages shall be made from a drive-in window;

- e. No display or sale of alcoholic beverages shall be made from an ice tub;
- f. No alcoholic beverage advertising shall be located on motor fuel islands. Alcoholic beverage advertising on the exterior walls of the subject market is permitted; however, such signage shall not be larger than other signage on the market's exterior walls. All signage, including alcoholic beverage advertising, shall be subject to the limitations in Chapter 22.52 of the County Code and shall require a Director's Review pursuant to Condition 21 of this grant. No self-illuminated advertising for alcoholic beverages shall be located on the market windows;
- g. Employees on duty after 10:00 pm shall be at least 21 years of age;
- h. The permittee shall adhere to all State of California Department of Alcoholic Beverage Control regulations;
- i. The sale of alcoholic beverages is limited to off-site consumption;
- j. There shall be no loitering permitted outside the subject market;
- k. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the market premises and prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood;
- l. The property owner shall provide adequate lighting for the parking lot area. Said lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot. Lighting shall be of low intensity and directed downward to minimize impacts to adjacent properties. Motion detectors shall be utilized on all outdoor security lighting;
- m. The permittee shall provide adequate lighting above the entrance of the market. Said lighting shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons entering or exiting the premises;
- n. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area(s) in the market;
- o. The permittee shall instruct all employees in the regulations prohibiting loitering and consumption of alcoholic beverages outside the subject market. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;



- p. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment in the subject market;
- q. The subject market shall have no coin-operated amusements, such as small carousel rides or similar riding machines, with the exception of official State Lottery machines;
- r. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff employee, Department of Regional Planning zoning inspector, or Department of Alcoholic Beverage Control (ABC) investigator. The market manager and all employees of the market shall be knowledgeable of the conditions herein;
- s. The permittee and all managers and employees of the establishment 18 years of age or older shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program;
- t. The shelf space devoted to beer and wine sales shall not exceed ten percent of the total shelf space within the store;
- u. Signage shall be posted within the beer and wine section of the subject market, notifying the public in both English and the predominant second language in the neighborhood, that it is a violation of the California Vehicle Code to transport open containers of alcoholic beverages within the passenger compartment of a motor vehicle;
- v. Signage shall be posted within the beer and wine section of the subject market, notifying the public in both English and the predominant second language in the neighborhood, that California state law prohibits the sale of alcoholic beverages to persons who are under the age of 21 or intoxicated;
- w. The permittee shall not sell beer in containers under one quart or in less than six-pack quantities;
- x. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities; and
- y. No ice in quantities of less than two pounds shall be sold, furnished or given away, except in conjunction with non-alcoholic beverage purchases.

41. This grant shall not be used for any purpose until the Board of Supervisors has adopted a zone change to authorize a change in the zoning of the property from C-2 (Neighborhood Business) and R-1-7,500 (Single Family Residence, 7,500 square foot minimum lot size) to C-2-DP (Neighborhood Business, Development Program).

Attachments:

Fire Department letter dated August 30, 2004

Department of Public Works letter dated August 31, 2004

Department of Health Services letter dated September 14, 2004



COUNTY OF LOS ANGELES  
FIRE DEPARTMENT

5823 Rickenbacker Road  
Commerce, California 90040

RP/ZP

K. Johnson  
Planner

DATE: August 30, 2004  
TO: Department of Regional Planning  
Permits and Variances  
SUBJECT: C.U.P. 03-117  
LOCATION: 16166 Spunky Canyon Road, Green Valley

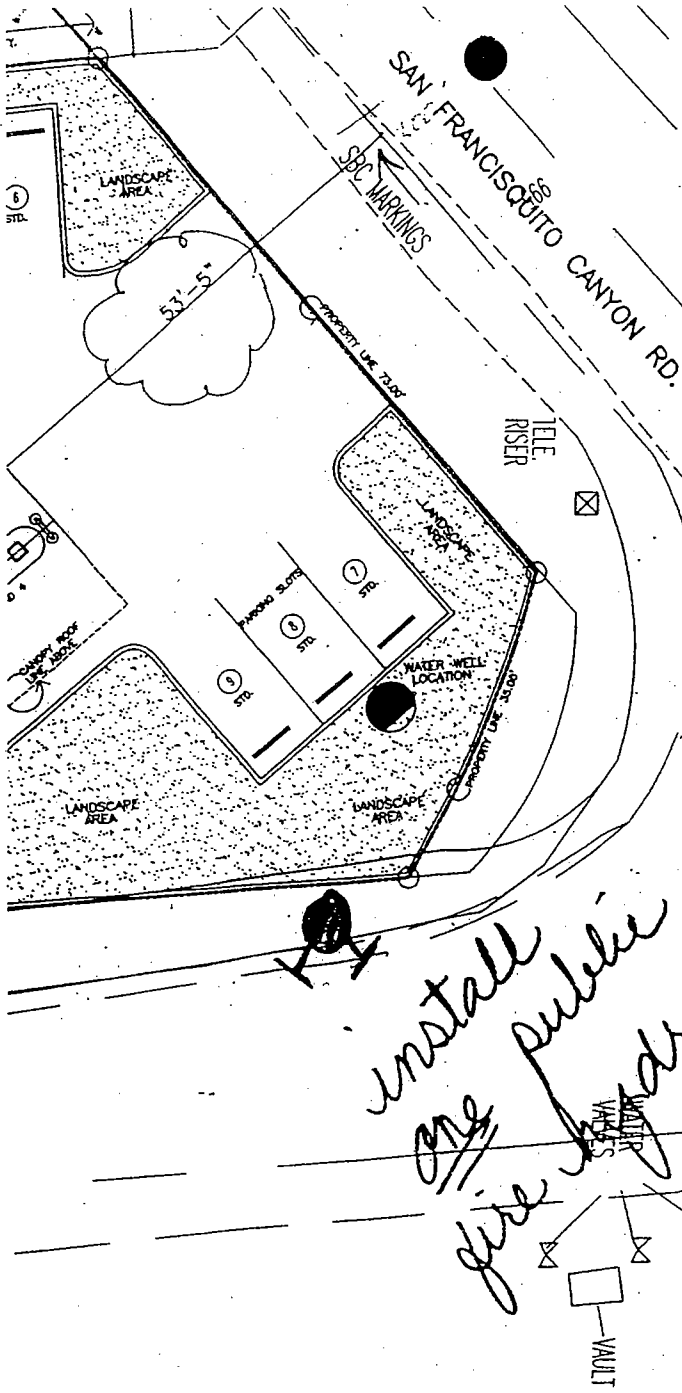
- ☐ The Fire Department has no additional requirements for this permit.
- ☒ The required fire flow for this development is 1750 gallons per minute for 2 hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☒ Install 1 Public and/or    On-site and/or    Verify / Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ Comments: Architectural plan review is required by the Los Angeles County Fire Department, Fire Prevention unit prior to the issuance of the building permit. Contact 661-949-6319 for specifics of the submittal.
- ☒ Location: Install one public fire hydrant as noted on the attached photo copy of the site (Southwest side of San Francisquito Canyon Road and Spunky Road.  
Prior to the approval of the C.U.P., provide verification from the Department of Public Works that the required fire hydrant has been bonded for. Submit verification to the Fire Department, Land Development unit for approval.
- ☒ Access: Access as noted on the site plan is adequate to serve the proposed property.
- ☒ Special Requirements: This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Janna Masi

Co.CUP 04/04

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783



Install One Public

6 X 4 X 2 1/2 fire hydrants

Conforming to American Waterworks

Association Standard C503

COUNTY OF LOS ANGELES - FIRE DEPARTMENT

FIRE PROTECTION WATER REQUIREMENTS

Required fire flow 1750 G.P.M. @ 20 PSI 2 Hrs.

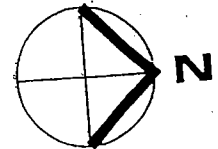
*Masi*  
8/30/04

*install  
one public  
fire hydrant*

HEAD WIRE  
OVERHEAD WIRE

FD RD. MON IN WELL  
EL=1000.00 ASSUMED

N





# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
www.ladpw.org

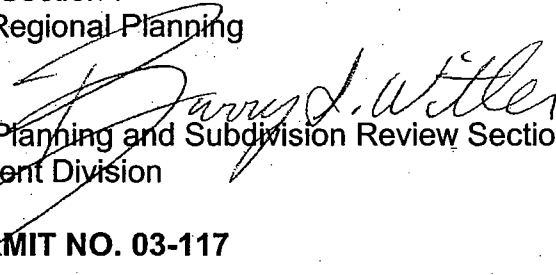
ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

August 31, 2004

IN REPLY PLEASE

REFER TO FILE: **LD-4**

TO: Russell Fricano  
Zoning Permits Section I  
Department of Regional Planning

FROM: Barry S. Witler   
Transportation Planning and Subdivision Review Section  
Land Development Division

### **CONDITIONAL USE PERMIT NO. 03-117**

We have reviewed the revised site plan for the subject case in the Green Valley area, in the vicinity of Spunky Canyon Road (16166 Spunky Canyon Road) and San Francisquito Canyon Road. This case is for the construction of a gas station with a mini-mart and to allow the sale of alcoholic beverages. The following revised comments and recommended conditions supersede our previous comments and recommended conditions dated July 15, 2003.

If this permit is approved, we recommend the following conditions:

1. Dedicate the right to restrict vehicular access on Spunky Canyon Road and San Francisquito Canyon Road along the property frontage. Access may be restricted to right-turn in and out only during peak hours on both highways.
2. Dedicate right of way 40 feet from centerline on Spunky Canyon Road and San Francisquito Canyon Road. Ten feet of additional right of way is required along the property frontage on both highways.
3. Dedicate right of way for a 27-foot radius return at the corner of Spunky Canyon Road and San Francisquito Canyon Road.
4. Provide signing and striping plans on Spunky Canyon Road and San Francisquito Canyon Road along the property frontage to the satisfaction of Public Works.

WH:jmw

P:\LDPUB\TRANS\CUPS\CUP 03-117 GAS STATION.DOC

cc: Traffic and Lighting (Abdelhadi, Chinn, Lau)

SEP-14-2004 11:15 FROM LA CO ENVIRONMENTAL HEALTH TO 12100000

**COUNTY OF LOS ANGELES  
DEPARTMENT OF HEALTH SERVICES  
Public Health**



**THOMAS L. GARTHWAITE, M.D.**  
DIRECTOR and CHIEF MEDICAL OFFICER

**FRED LEAF**  
CHIEF OPERATING OFFICER

**JONATHAN E. FIELDING, M.D., M.P.H.**  
Director of Public Health and Health Officer

**Environmental Health**  
**ARTURO AGUIRRE, Director**

**Bureau of Environmental Protection**  
Mountain & Rural/Water, Sewage & Subdivision Program  
5050 Commerce Drive, Baldwin Park, CA 91708-1423  
TEL (626)430-5360 • FAX (626)613-3016  
[www.lapublichealth.org/eh/progs/envirp.htm](http://www.lapublichealth.org/eh/progs/envirp.htm)

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Fifth District

September 14, 2004

**Mr. Yousry Ghoneim**  
Architectural Concept & Development, Inc.  
4219 Lankershim Blvd., Suite 1 & 2  
Studio City, California 91602

**RE: CUP 03-117; 16166 Spunky Canyon Road, Green Valley**

**Dear Mr. Ghoneim:**

This is in response to your request to obtain a conceptual approval for the use of an on-site water source and a private wastewater disposal system for the development of the above referenced project. The data contained in our file and the submitted documents tends to support a finding that an on-site source of drinking water can be developed and the referenced property is capable of supporting the installation of a private on-site sewage disposal system.

This conceptual approval is intended for the Conditional Use Permit review process only, does not authorize any land development and is contingent upon the following conditions:


1. Prior to the issuance of any building construction permit, a complete feasibility report of installing a private sewage disposal system, detailed plans drawn to scale and a service request application shall be submitted to this Department for review and wet stamp approval.  
Submit required documents to demonstrate the feasibility of installing an on-site sewage disposal system with a minimum septic tank capacity of 2500 gallons (1500 gallons for the service station with a restroom facility and 1000 gallons capacity to accommodate number of plumbing fixture for the food establishment as proposed).  
Additional percolation testing is required to demonstrate that additional seepage pits can possibly be constructed to accommodate the sewage disposal needs of the entire establishment.
2. At the time of construction when public sewer is available within 200 feet of this property, all plumbing and waste water drainage system shall be connected to such public sewer.
3. Obtain authorization from California Regional Water Quality Control Board for design and installation of the proposed private sewage disposal system and the location of the underground storage tanks.

Yousry Ghomim  
CUP 03-117  
September 14, 2004  
Page 2

4. Potable water shall be supplied through an approved on-site drinking water source. The on-site drinking water source shall be operated and maintained in accordance with the California Uniform Retail Food Facilities Law and guidelines established by this Department.  
The water produced from this on-site source shall solely be used for the purpose of operating the service station and the retail food facility with the understanding that:
  - A. The water usage is strictly limited for food preparation, cleaning and hand washing purposes within the retail establishment including the required toilet facility.
  - B. This water may not be used as drinking water served to customers.
5. Prior to construction, obtain approval from Plan Check Program of Environmental Health for the proposed food establishment and restroom facility.  
The retail food facility may not operate until a public health permit has been issued by this Department. Please contact this Department to make an arrangement for an inspection prior to operation.

If there are any questions or you require further information, please contact me at 626-430-5380.

Respectfully,



Patrick Nejadian, Program Director  
Mountain & Rural/Water, Sewage & Subdivision Program

c: Stephen Layne, REHS